THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.18129 OF 2005

DATED: 17-08-2005

BETWEEN;

G.Venkata Subba Reddy and two others.

..PETITIONERS

VS.

The Commissioner of Endowments, Hyderabad and three others

..RESPONDENTS

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.18129 OF 2005

ORAL ORDER

The writ petition is filed under an apprehension that without any right, title or interest either in the ownership or possession of agricultural lands in an extent of 2.94 cents in Sy.No.442/2, Patta No.122 of Peduru village, T.P.Guduru Mandal, Nellore District of which the petitioners are owners and are in peaceful possession, the respondent

Nos.3 and 4 would interfere with their possession, take away the standing crop and dispossess them. The petitioners claimed ownership, title and possession of the lands is on the basis of a registered will date 26-12-1979 executed by one Koduru Kota Reddy in favour of Gandavarapu Penchal Reddy, who is claimed to be the father of the deponent of the affidavit filed in support of the writ petition. It is pleaded that the original owner of the land, one Smt.Gandavarapu Seshamma executed a registered settlement deed on 05-07-1946 to the effect that one putti of paddy or an equal amount in lieu thereof would be provided to Sri Amareswara Swamy Temple and Sri Venugopala Swamy Temple in Peduru village from out of the income derived from the lands out of a total extent of Ac.2.94 cents, for offering " second time Naivedyam". According to the petitioners, the settlement deed recorded that after the life time of Seshamma, the arrangements of offering the paddy or the amount in lieu there of shall be executed by one Koduru Kota Reddy son of Raghava Reddy and his heirs. Till her death Seshamma continued the arrangement and thereafter Koduru Kota Reddy executed her wish as per the settlement deed. Koduru Kota Reddy executed the registered will dated 26-12-1979 entrusting the work of tendering the paddy or the amount in lieu there of to the temples, to his nephew Penchal Reddy who is the 1st petitioner's father. The petitioners' claim title and possession of the lands in question and allege that the respondents intend to take over the lands.

The petitioners have not set forth any particulars as to the date and time at which any of the officers of the respondent Nos.3 and 4 are alleged to have threatened dispossessing the petitioners or for auctioning the leasehold rights of the lands, nor do they state that any auction notice has been issued for auctioning the future leasehold rights of the lands in question. In any event, a potential dispute of title is in the offing and such disputes are more appropriately determined by the Civil Court of competent jurisdiction before which the petitioners could seek injunctive reliefs or reliefs for declaration of title, as appropriately advised.

In the aforesaid circumstances, as there is an adequate alternative remedy and efficacious too, this Court is not inclined to exercise discretion.

The writ petition is accordingly dismissed. However, the petitioners are at liberty to pursue the appropriate alternative remedies. No order as to costs.

GODA RAGHURAM,J

17TH AUGUST,2005

Note:

Issue CC tomorrow

(B/O)

***TSNR**